

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

8/29/2019

Clerk, U.S. District Court
District of Montana
Helena Division

JASON NEWBERRY,

Plaintiff,

vs.

STATE OF MONTANA, DR. REESE, DR.
HURST, MELISSA SCHARF, and
CONNIE WINNER,

Defendants.

CV 19-00050-H-DLC-JTJ

ORDER

On August 5, 2019, Plaintiff Jason Newberry, a prisoner proceeding without counsel, filed a Complaint pursuant to 42 U.S.C. § 1983. (Doc. 1.) In order to institute a civil action in federal court, a plaintiff must either pay a filing fee of \$400.00 as required by 28 U.S.C. § 1914(a) or file a motion to proceed in forma pauperis under 28 U.S.C. § 1915. Mr. Newberry has done neither.

Accordingly, the Court issues the following:

ORDER

1. Mr. Newberry must either pay the statutory filing fee of \$400.00 or submit a motion to proceed in forma pauperis (on the form to be provided by the Clerk of Court) within thirty days of the date of this Order. If Mr. Newberry files a motion to proceed in forma pauperis and he is incarcerated, he must file a copy

of his inmate trust account statement for the six-months immediately preceding the filing of his Complaint. If he has not been incarcerated for the entire six months, he must inform the Court and submit account statements for the length of time he has been incarcerated.

2. Should Mr. Newberry fail to comply with this Order, this matter will be closed.

3. At all times during the pendency of this action, Mr. Newberry shall immediately advise the Court of any change of address and its effective date. Failure to file a Notice of Change of Address may result in the dismissal of the action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED this 29th day of August, 2019.

/s/ John Johnston
John Johnston
United States Magistrate Judge